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March 19, 2024

VIA ECF

Hon. Magistrate Judge Sarah L. Cave
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 18A
New York, NY 10007

Plaintiffs' request at ECF No. 47 is GRANTED to the extent that the discovery issues raised therein will be discussed at the telephonic status conference scheduled for April 9, 2024. (ECF No. 35). Per the Court's Individual Rules and Practices in Civil Cases, Defendants may file a response letter by **March 22, 2024**, and Plaintiffs may file a reply letter by **March 25, 2024**.

The Clerk of Court is respectfully directed to close ECF No. 47.

SO ORDERED. 3/20/2024


SARAH L. CAVE
United States Magistrate Judge

RE: *Mongelos, et al. v. FW Freedom Construction Corp., et al.*

Case No. 1:23-cv-03259-JGK-SLC

Dear Judge Cave:

This office represents Plaintiffs in the above-referenced action. I write to inform the Court that the parties have reached an impasse with regards to a discovery matter. Accordingly, we request a conference with the Court to discuss the necessity of a motion to compel discovery pursuant to Fed. R. Civ. P. 37(a).

Plaintiffs served interrogatories on Defendants on August 1, 2023. As of today, Defendants have failed to provide complete responses to Plaintiffs' First Set of Interrogatories, specifically Interrogatory Nos. 3, 4, 5, 6, 7, 12 and 14. The parties met and conferred to discuss Defendants' deficient interrogatory responses and other discovery issues on January 11, 2024 at 11 a.m. The phone call lasted for approximately 26 minutes. Participating in the call for the Plaintiffs was Avi Mermelstein. Daniel P. Rabinowitz participated in the call for the Defendants. During the call, Mr. Rabinowitz stated Defendants' objection to Interrogatory Nos. 3 and 5, which pertain to class discovery, on the basis that no class has yet been certified. However, Defendants agreed that they would amend their responses to Interrogatory Nos. 4, 6, 7, 12 and 14 to make them more responsive, if possible, and to state that Defendants did not know, when not possible. The parties agreed that, in order to timely resolve these discovery issues and bring them to the Court if necessary, Defendants would let Plaintiffs know by the middle of the following week: (1) whether Defendants agreed to drop their objections to the class discovery requests and interrogatories; and (2) to the extent Defendants would be providing amended responses, a date certain by which Defendants would be providing them.

On January 18, 2024, Defendants informed Plaintiffs via email that they would be supplementing their responses for all interrogatories at issue. On January 24, 2024, Plaintiffs followed up by email to inquire about when we could expect the supplemental responses.